

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
 )  
 )  
 )  
v. ) No. 1:05-CR-138  
 ) Chief Judge Curtis L. Collier  
 )  
KENIO MARSHALL )

**ORDER**

Defendant Kenio Marshall (“Defendant”) requested a psychological evaluation on December 20, 2005 (Court File No. 18). The request was referred to United States Magistrate Judge Susan K. Lee to conduct an evidentiary hearing and make a report and recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Magistrate Judge Carter received an April 17, 2006 letter from Stephen M. Dewalt, Warden of the Federal Bureau of Prisons, Federal Medical Center in Lexington, Kentucky, and a Forensic Evaluation of Defendant. The findings in the evaluation are Defendant is not suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist his attorney in his defense, and Defendant was sane at the time of the alleged offense.

Defendant filed a Waiver of Competency Hearing pursuant to 18 U.S.C. § 4247(d) on May 9, 2006 (Court File No. 28). On the basis of the waiver and the evaluation, Magistrate Judge Lee filed a report and recommendation (“R&R”) recommending the Court find Defendant competent to stand trial (Court File No. 32). Defendant has filed no objections to the magistrate judge’s R&R.

Therefore, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s report and recommendation (Court File No. 32) pursuant to 28 U.S.C. § 636(b)(1)(C), and hereby **ORDERS**

that for all future proceedings:

The defendant is deemed competent to stand trial and to assist in his defense.

**SO ORDERED.**

**ENTER:**

/s/

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**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**